

**BOARD OF ELECTIONS AND ETHICS****CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in fourteen (14) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 3D07, 4D02, 6A08, 6B11, 7A02, 7A07, 7B01,  
7B05, 7B06, 8B07, 8C05, 8C06, 8E01, 8E05**

Petition Circulation Period: **Monday, January 12, 2009 thru Monday, February 2, 2009**

Petition Challenge Period: **Thursday, February 5, 2009 thru Wednesday, February 11, 2009**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics  
441 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

For more information, the public may call **727-2525**.

**BOARD OF ELECTIONS AND ETHICS****CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 1A11, 3G03, 7D03**

Petition Circulation Period: **Monday, January 26, 2009 thru Tuesday, February 17, 2009**

Petition Challenge Period: **Friday, February 20, 2009 thru Thursday, February 26, 2009**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics  
441 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

For more information, the public may call **727-2525**.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## NOTICE OF PUBLIC INTEREST

## Raze Permit Applications

The following is a listing of raze permit applications filed with the Permit Operations Division of the Department of Consumer and Regulatory Affairs:

Application Date	Address	Lot	Square	Use
December 8, 2008	1225 10 <sup>th</sup> Street, NW	159	368	3 story single family (emergency)
December 10, 2008	1415 Taylor Street, NW	3	2696	3 story garage
December 11, 2008	4619 Quarles Street, NE	47	5165	3 story single family (emergency)

For further information, please contact Mr. Joseph Bembry at the Permit Operations Division via email at [Joseph.Bembry@dcra.gov](mailto:Joseph.Bembry@dcra.gov) or Ms. Cheryl Randall Thomas, Manager of the Permit Center, at (202) 442-4534.

**HOWARD ROAD ACADEMY****REQUEST FOR PROPOSALS****Fresh Fruit and Vegetables**

The Howard Road Academy and its management firm, Mosaica Education, Inc., invite proposals for procurement of Fresh Fruit and Vegetables for 2009.

Proposals are to be received by:

Howard Road Academy  
701 Howard Road SE  
Washington DC 20020

on or before *January 30th* and not later than 5:00 pm.

Bid specifications may be obtained at the school, at [www.mosaicaeducation.com](http://www.mosaicaeducation.com), or by contacting Carla Holder 212.232.0305 ext. 228.

Questions regarding this bid must be submitted in writing to [cholder@mosaicaeducation.com](mailto:cholder@mosaicaeducation.com) before the RFP deadline.

**DEPARTMENT OF HUMAN SERVICES  
INCOME MAINTENANCE ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY**

**FY 2009 Mini-Subgrants to Small Non-Profit Community-Based Organizations**

The Department of Human Services (DHS), Income Maintenance Administration (IMA) is the lead agency in the District of Columbia for implementation of the Temporary Assistance for Needy Families (TANF) program. To facilitate achievement of TANF purposes, the DHS/IMA intends to award grant funds to small community-based and faith-based organizations that directly assist TANF customers and other low-income families and children in the District of Columbia.

DHS/IMA intends to make multiple grant awards of up to \$20,000 each to fund one or more services or activities offered by the eligible organizations for a 90-day period. Eligible organizations include small community-based, faith-based, non-profit organizations located in the District of Columbia with an annual budget not more than \$150,000. The service and activity to be funded through the mini-grant should have an immediate and direct impact on TANF customers or other low-income families with children with household incomes of less than or equal to 200 percent of the federal poverty line.

Faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations are encouraged to apply.

The Request for Application (RFA) will be released on January 22, 2009. The RFA may be obtained from DHS/IMA located at 645 H Street, NE, Washington, D.C. 20002. In addition, the RFA will also be available on the Mayor's Office of Partnership and Grants Development website (<http://www.opgd.dc.gov>) under the link to the District Grants Clearinghouse. For additional information, please contact Ms. Betty Ervin, Department of Human Services, Office of Grants Management at (202)-671-4397.

**The deadline for submission is Monday, March 16, 2009 at 4:00 pm**

Applicants are encouraged to attend the Pre-Application conference scheduled for Wednesday, February 18, 2009 from 1:00 p.m. – 3:00 p.m. at the Income Maintenance Administration, 645 H Street, NE; 5<sup>th</sup> Floor Conference Room, Washington, D.C. 20002. Applicants interested in attending the Conference should RSVP to Marchelle White, DHS/IMA at (202) 698-3942 on or before, Friday, February 13, 2009.

**DISTRICT OF COLUMBIA RETIREMENT BOARD ("BOARD")****NOTICE OF PUBLIC INTEREST****Certification of Winner of the Election to Serve As  
Active Fire Fighter Member of the Board**

The District of Columbia Retirement Reform Act (Pub. L. 96-122), effective November 17, 1979, at section 121(b), (D.C. Official Code § 1-711(b)) requires the District of Columbia Retirement Board ("Board") to conduct elections of the beneficiary and participant representatives to the Board. The Board through the American Arbitration Association (the "A.A.A."), in accordance with the Rules for the Election of Members to the Board (Election Rules), 30 DCR 4333-4345, as amended, conducted an election for the representatives of the active District fire fighters.

Counting of the ballots took place on Thursday, December 11, 2008, at the A.A.A. office, located at 1776 Eye Street, N.W., Suite 850, Washington, D.C., in the presence of a Board representative, and under the supervision of A.A.A.

Pursuant to section 408.1 of the Election Rules, A.A.A. submitted a Certification of Results which was received on December 15, 2008. Based on this Certification and pursuant to sections 408.2 and 408.3 of the Election Rules, the Board hereby certifies the results of the election and declares the winner to be Edward C. Smith an active District of Columbia fire fighter.

Pursuant to section 408.4 of the Election Rules, any qualified candidate for the election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board's executive office located at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and can not be appealed thirty (30) days after the publication of the certification of the winner.

Please address any questions regarding this notice to:

Eric O. Stanchfield, Executive Director  
D.C. Retirement Board  
900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor  
Washington, D.C. 20001

## DISTRICT OF COLUMBIA RETIREMENT BOARD ("BOARD")

## NOTICE OF PUBLIC INTEREST

**Certification of Winner of Election to Serve As  
Active Teacher Member of the Board**

The District of Columbia Retirement Reform Act (Pub. L. 96-122), effective November 17, 1979, at section 121(b), (D.C. Official Code § 1-711(b)) requires the District of Columbia Retirement Board ("Board") to conduct elections of the beneficiary and participant representatives to the Board. The Board through the American Arbitration Association (the "A.A.A."), in accordance with the Rules for the Election of Members to the Board (Election Rules), 30 DCR 4333-4345, as amended, conducted an election for the representatives of the active District teachers.

Counting of the ballots took place on Thursday, December 11, 2008, at the A.A.A. office, located at 1776 Eye Street, N.W., Suite 850, Washington, D.C., in the presence of a Board representative, and under the supervision of A.A.A.

Pursuant to section 408.1 of the Election Rules, A.A.A. submitted a Certification of Results which was received on December 15, 2008. Based on this Certification and pursuant to sections 408.2 and 408.3 of the Election Rules, the Board hereby certifies the results of the election and declares the winner to be Deborah Hensley an active District of Columbia teacher.

Pursuant to section 408.4 of the Election Rules, any qualified candidate for the election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board's executive office located at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and can not be appealed thirty (30) days after the publication of the certification of the winner.

Please address any questions regarding this notice to:

Eric O. Stanchfield, Executive Director  
D.C. Retirement Board  
900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor  
Washington, D.C. 20001

**DISTRICT OF COLUMBIA RETIREMENT BOARD (“BOARD”)****NOTICE OF PUBLIC INTEREST****Certification of Winner of Election to Serve As  
Retired Police Officer Member of the Board**

The District of Columbia Retirement Reform Act (Pub. L. 96-122), effective November 17, 1979, at section 121(b), (D.C. Official Code § 1-711(b)) requires the District of Columbia Retirement Board (“Board”) to conduct elections of the beneficiary and participant representatives to the Board. The Board through the True Ballot Incorporated (True Ballot Inc.), in accordance with the Rules for the Election of Members to the Board (Election Rules), 30 DCR 4333-4345, as amended, conducted an election for the representatives of the retired District police officers.

Counting of the ballots took place on Thursday, December 11, 2008, at 900 7<sup>th</sup> Street, N.W., ML Level, Washington, D.C., in the presence of a Board representative, and under the supervision of True Ballot Inc.

Pursuant to section 408.1 of the Election Rules, True Ballot Inc. submitted a Certification of Results which was received on December 15, 2008. Based on this Certification and pursuant to sections 408.2 and 408.3 of the Election Rules, the Board hereby certifies the results of the election and declares the winner to be George R. Suter a retired District of Columbia police officer.

Pursuant to section 408.4 of the Election Rules, any qualified candidate for the election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board’s executive office located at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and can not be appealed thirty (30) days after the publication of the certification of the winner.

Please address any questions regarding this notice to:

Eric O. Stanchfield, Executive Director  
D.C. Retirement Board  
900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor  
Washington, D.C. 20001



**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA****APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been newly appointed as Notaries Public in and for the District of Columbia, effective on or after February 1, 2009.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Administrator, Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 23, 2009. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

Ade	Christopher W.	Wachovia Bank 1300 I Street, NW, Suite 105	20005
Bates	Roslyn	DHS Immigration Customs Enforcement INTEL 500 12 Street, SW, 10th Floor	20024
Behrmann	Heather-Nicole	LS Caldwell & Associates, Incorporated 5427 14th Street, NW	20011
Benning	Lori	Western Development Corporation 3255 Grace Street, NW	20007
Beynum	Rhashida	Caring for Loved Ones, LLC 842 Marjorie Court, SE	20032
Bolin	Shannon	American Farm Bureau Federation 600 Maryland Avenue, SW, Suite 1000W	20024
Brown	Michelle	Washington Gas Light Company 101 Constitution Avenue, NW	20080
Brown	Pamela D.	CH2M Hill 901 New York Avenue, NW, Suite 5100W	20001
Burnside	Bradley A.	Self 2711 Terrace Road, SE #B302	20020
Cleckley	Wanda D.	Union Temple Baptist Church 1225 W Street, SE	20020
Davis	Lou-Anne S.	McCullough Law Firm 1724 20th Street, NW, Suite 202	20005
Davis	Nicole G.	Capitol Process Service, Inc. 1827 18th Street, NW	20009
Daye	Dawne Rhonda	Office of the Attorney General 441 4th Street, NW	20001

DiBitetto	Christopher Stanhope	Schulte Roth & Zabel LLP 1152 Street, NW, Suite 850	20005
Donaldson	Kenneth	Ocean Conservancy 1300 19th Street, NW, 8th Floor	20036
Erskine	Tonisha	The Children's Law Center 616 H Street, NW, Suite 300	20001
Estrada	Walter Enrique	The Glenwood Cemetery 2219 Lincoln Road, NE	20002
Evans	Recita T.	DC Department of Consumer and Regulatory Affairs 941 North Capitol Street, NE	20002
Faulker	Shishe	Western Development Corporation 3255 Grace Street, NW	20007
Fortune	Wayne R.	PNC Bank 5530 Connecticut Avenue, NW	20015
Francis	Jewel K.	Washington Gas Light Company 101 Constitution Avenue, NW	20080
Fuentes	Kathia	MedPharm LLC 801 Pennsylvania Avenue, NW #1124	20006
Fuentes	Dina M.	Sun Trust Bank 1100 G Street, NW	20005
Gamiz	Janice Mary	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Garland	Carol	Caring Hands Services, Incorporated 430 M Street, SW Suite N106	20024
George	Matthew D.	Department of Labor Federal Credit Union 200 Constitution Avenue, NW Room S-3220	20210

Hall	Karey E.	Department of Labor – Office of Job Corps 200 Constitution Avenue, NW	20210
Hamilton, Jr.	Wesley A.	Self 2409 Irving Place, SE	20020
Hargrove	Kim	Post Permanency Family Center 900 Varnum Street, NE, Suite 102	20017
Heyliger	Yvonne	PNC Bank 1100 H Street, NW	20005
Howard	Claudia E.	PNC Bank 1100 H Street, NW	20005
Jackson	Frances	CH2M Hill 901 New York Avenue, NW, Suite 5100W	20001
Johnson	Monique	Washington Gas Light Company 101 Constitution Avenue, NW	20080
Jones	Desyree Y.	Change to Win 1900 L Street, NW, Suite 900	20036
Karst	William	Chevy Chase Bank 3800 Reservoir Road, NW	20057
Kayser	Ashley M.	Citibank, NA 750 9th Street, NW	20001
Keeports	Janet M.	Gray Plant Moody 2600 Virginia Avenue, NW, Suite 1111	20037
Keith	Andre W.	Legal Support 1115 Massachusetts Avenue, NW	20005
Kyere	Evelyn E.	The Children's Law Center 616 H Street, NW, Suite 300	20001
Larme	William R.	Citibank 1225 Connecticut Avenue, NW	20036

Machare	Peter A.	US Department of Agriculture 1400 Independence, Avenue, SW, Room 0325	20250
Mason	Debra	Ain & Bank, PC 1900 M Street, NW, Suite 600	20036
McDonald	Sallie	Library of Congress Federal Credit Union 101 Independence Avenue, SE, Suite LM634	20540
McKeon	Kathleen M.	Akridge 601 13th Street, NW, Suite 300 North	20005
McLoughlin	Christopher F.	Sun Trust Bank 1250 U Street, NW	20009
Morejon	Fanny P.	Organization of American States 1889 F Street, NW	20006
O'Hannon	Gail P.	Office of the Attorney General Child Protection Section 400 6th Street, NW, 5th Floor	20024
Oh	Minkeun	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Petsch	Shannon L.	PNC Bank 2600 Virginia Avenue, NW	20037
Ramey	Monica L.	MC Dean 2951 V Street, NE	20018
Schlesinger	Janice	The Stephen A. Goldberg Company 1615 M Street, NW, Suite 850	20039
Schumin	Benjamin	Food & Water Watch 1616 P Street, NW, Suite 300	20036
Seagears	Germaine K.	Motion Picture Association of America, Inc. 1600 I Street, NW	20006

Sivinska	Iryna	Bank- Fund Staff Federal Credit Union 1818 H Street, NW	20433
Smith	Stephen O.	Tully Rinckey, PLLC 1800 K Street, NW, Suite 1110	20006
Sterling	Ian G.	Telecommunications Development Corporation 1919 13th Street, NW	20009
Suesbury- McDowell	Evette	Change All Souls Development Corporation 2900-B 14th Street, NW	20009
Sullivan	Peter B.	Neal R. Gross & Co., Incorporated 1323 Rhode Island Avenue, NW	20005
Tekle	Aster	Industrial Bank 2000 11th Street, NW	20001
Umoh	Macaulay J.	Compies – Computers and Copies 3620 12th Street, NE	20017
Ware-Baylor	Samirah D.	Nordhaus Law Firm, LLP 1401 K Street, NW, Suite 801	20005
Watts	Gervel A.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Whitehead	Lydia K.	URS Group, Incorporated 2020 K Street, NW, Suite 300	20006
Wilson	Victoria L.	M.A.R. Reporting Group, LLC 1629 K Street, NW, Suite 300	20006
Workman	Whitney J.	Delta Towers Apartments 1400 Florida Avenue, NE	20002
Zalewski	Brenda M.	The Levy Group Limited, LLC 1321 <sup>1/2</sup> Wisconsin Avenue, NW	20007

**D.C. DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION POLICY AND PLANNING ADMINISTRATION  
PUBLIC SPACE MANAGEMENT BRANCH  
PUBLIC SPACE COMMITTEE MEETING DATES**

**Notice of Regularly Scheduled Public Meetings  
Calendar Year 2009**

<b>HEARING DATE</b>	<b>DEADLINE FOR FILING PERMIT APPLICATIONS</b>
<b>January 22, 2009</b>	<b>November 27, 2008</b>
<b>February 26, 2009</b>	<b>December 31, 2008</b>
<b>March 26, 2009</b>	<b>January 29, 2009</b>
<b>April 23, 2009</b>	<b>February 26, 2009</b>
<b>May 28, 2009</b>	<b>April 2, 2009</b>
<b>June 25, 2009</b>	<b>April 30, 2009</b>
<b>July 23, 2009</b>	<b>May 28, 2009</b>
<b>August 27, 2009</b>	<b>July 2, 2009</b>
<b>September 24, 2009</b>	<b>July 30, 2009</b>
<b>October 22, 2009</b>	<b>August 27, 2009</b>
<b>November 19, 2009</b>	<b>September 24, 2009</b>
<b>December 17, 2009</b>	<b>October 22, 2009</b>

**MEETING LOCATION**

941 North Capitol Street, NE  
7<sup>th</sup> Floor  
Washington, DC 20002  
10:00 am

The locations, dates and/or dates may vary. To confirm attendance and location please contact:  
Catrina Felder

Public Space Committee Coordinator  
Government of the District of Columbia  
Department of Transportation  
Transportation Policy and Planning Administration  
941 North Capitol Street, NE – 2<sup>nd</sup> Floor  
Washington, DC 20002  
Phone: (202) 442-4960 or Fax: (202) 724-8677  
catrina.felder@dc.gov

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17812 of Pietros Kidane**, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to allow a catering service/bakery under subsection 701.1, in the C-1 District at premises 409 18<sup>th</sup> Street, N.E. (Square 4547, Lot 809).

**HEARING DATE:** December 2, 2008

**DECISION DATE:** January 6, 2009

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A, the Office of Planning (OP) and to owners of property within 200 feet of the site. The OP submitted a report and testified at the public hearing in opposition to the application. The ANC submitted a letter in support of the case.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 701.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.



**VOTE: 5-0-0** (Ruthanne G. Miller, Marc D. Loud and Mary Oates Walker to Approve, Shane L. Dettman and Anthony J. Hood to Approve by absentee ballot)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member has approved the issuance of this order.

**FINAL DATE OF ORDER:** January 7, 2009

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. rsn

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17860 of Jemal's KFC, LLC**, pursuant to 11 DCMR § 3103.2, for a variance from floor area ratio requirements under section 771, a variance from the rear yard requirements under section 774, and a variance from the parking requirements under subsection 2101.1, to permit the development of a two-story commercial building in the C-2-A District at premises 1442 Pennsylvania Avenue, S.E. (Square 1065-NE, Lot 49).

**HEARING DATE:** January 6, 2009

**DECISION DATE:** January 6, 2009 (Bench Decision)

**SUMMARY ORDER**

**SELF CERTIFIED**

The zoning relief in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. (Exhibit 21) The Office of Planning (OP) also submitted a report in support of the application. (Exhibit 25) Besides neighbors filing letters and petitions of support (Exhibit 26), Tom W. Whalen, an owner of property in Square 1065NE, testified in support of the application at the public hearing. Mr. Whalen was not a party to the application. In addition, Gary M. Peterson testified in opposition to the application at the public hearing on behalf of the Capitol Hill Restoration Society, which was not a party to the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2, for variances from the requirements of sections 771, 774, and 2101.1 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. No parties appeared at the public hearing in opposition to the application.

The report of ANC 6B, dated December 10, 2008 and marked as Exhibit 21 of the record in this case, stated that the ANC voted at its public meeting to recommend approval of the application as presented. In addition, the report expressed the ANC's belief that the Applicant had carried its burden of proof for the requested variance relief, provided that the terms of the memorandum of understanding ("MOU") between the Applicant and the neighboring property owners would be incorporated into the order as conditions of the Board's approval of the application. The Board believes that the matters addressed by the specific terms of the MOU are not relevant to the variance relief requested in this case and hereby concludes that the ANC did not intend its support of the application to be contingent upon the inclusion of those terms as conditions in the Board's order. Accordingly, a decision by the Board to grant the application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proving under 11 DCMR §§ 771, 774, 2101.1, and 3103.2 that there exists an exceptional or extraordinary condition or situation related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 9 - Plans) be **GRANTED**.

**VOTE:**       **3-0-2** (Ruthanne G. Miller, Gregory N. Jeffries, Mary Oates Walker, to approve. Shane L. Dettman, and Marc D. Loud, not present and not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** \_\_\_\_\_

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. ESB

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17865 of National Academy of Sciences**, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to an existing office building under section 508, in the SP-2 District at premises 2101 Constitution Avenue, N.W. (Square 88, Lot 58).

**HEARING DATE:** January 6, 2009

**DECISION DATE:** January 6, 2009 (Bench Decision)

**SUMMARY ORDER**

**SELF CERTIFIED**

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission (ANC) 2A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. ANC 2A did not submit a report regarding the application. The Office of Planning (OP) submitted a report in support of the application. (Exhibit 27)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 508. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.<sup>1</sup>

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 508, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by

<sup>1</sup> The site is an Individually-Listed Historic Landmark. The project is subject to review by the Commission of Fine Arts and the D.C. Historic Preservation Review Board. Both entities have reviewed the project. (Exhibit 25, Tabs F and G)

findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**       **4-0-1** (Marc D. Loud, Ruthanne G. Miller, Mary Oates Walker, and Gregory N. Jeffries, to approve. Shane L. Dettman, not present and not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** \_\_\_\_\_

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. ESB

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING**

**Z.C. Case No. 08-33**

**(Consolidated PUD, 1<sup>st</sup> Stage PUD, and Related Map Amendment @ Parcel 121/31)  
January 12, 2009**

**THIS CASE IS OF INTEREST TO ANC 5C**

On December 24, 2008, the Office of Zoning received an application from Conference Center Associates I, LLC (the "Applicant") for approval of a consolidated PUD, a first-stage PUD, and a related map amendment for the above-referenced property.

The property that is the subject of this application consists of Parcel 121/31 in Northeast Washington, D.C. (Ward 5) at the intersection of Michigan Avenue, N.E. and Irving Street N.E. The property is currently unzoned. The Applicant proposes a related map amendment to zone the property to C-3-A.

The Applicant proposes two phases of development for the property. The first phase consists of a consolidated PUD, which will include construction of a 314-room suites hotel to be built in two parts, with 233 rooms built immediately and the remaining 81 rooms to be built based on market demand. The proposed hotel will offer a conference center on the southern half of the property. The consolidated PUD will also include a three-story, above-grade structure along Michigan Avenue that will provide retail use at the grade level and in the basement, and will also provide 300 parking spaces. The northern portion of the property will remain a surface parking lot (280 spaces) until development of the second phase of the PUD project begins.

The Applicant also proposes a second phase of the project that will include construction of two additional buildings on the northern portion of the property through a two-stage PUD. The two buildings will be either additional hotel space or residential use, and they will include additional structured parking. At the completion of the entire project, there will be 695 parking spaces in structured parking.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING**

**Z.C. Case No. 08-34**

**(1<sup>st</sup> Stage PUD, Consolidated PUD, and Related Map Amendment @ Squares 564,  
566, and 568 )**

**January 12, 2009**

**THIS CASE IS OF INTEREST TO ANC 6C**

On December 31, 2008, the Office of Zoning received an application from Center Place Holdings, LLC (the "Applicant") for approval of a consolidated PUD, a first-stage PUD, and a related map amendment for the above-referenced property.

The property that is the subject of this application consists of Squares 564, 566, and 568 and is located in Northwest Washington, D.C. (Ward 6), in the area generally surrounded by Massachusetts Avenue, N.W. (north), 2<sup>nd</sup> Street, N.W. (east), E Street, N.W. (south), and 3<sup>rd</sup> Street, N.W. (west). The property is currently unzoned. The Applicant proposes a related map amendment to zone the property to C-4.

The Applicant proposes a mixed-use project of office, residential, and retail uses included in approximately 2.2 million square feet of gross floor area (approximately two million square feet of office and 180,000 square feet of residential) with an aggregate density of approximately 8.93 FAR. The project will re-establish the connection of F and G Streets to the existing L'Enfant Plan street grid. It will require relocating several historic properties, namely, the Adas Israel Synagogue, the Holy Rosary Annex, and the Holy Rosary Rectory. The project seeks to achieve LEED CS Platinum certification for the office buildings and LEED Gold certification for the residential building. The project will include four buildings, each of which will be 130 feet tall, and it will have a total of 1,163 parking spaces.

The Applicant proposes two phases of development for the property. The first phase consists of a consolidated PUD, which will include construction of the entire platform over the recessed Center Leg freeway; construction of a 1,041,316-square-foot office building in the North Block; and construction of all below-grade parking, concourse, and service levels. The office building will front Massachusetts Avenue and include approximately 34,966 square feet of ground floor retail.

The second phase of the project will include construction of two buildings (one residential; one commercial) in the Center Block and one commercial building in the South Block. The residential building will contain approximately 150 units, 25 of which will be affordable to residents earning less than 30% of Area Median Income.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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